



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

December 30, 2011

CERTIFIED MAIL

Margaret C. Grillot &
Kathryn A. Boesch
204 Whispering Wind Ct.
Englewood, OH 45322

Re: Unauthorized subsurface activity at South Dayton Dump, 2003 Dryden Road,
Montgomery County

Dear Ms. Grillot & Ms. Boesch,

On December 14, 2011 Betty Arthungal and Laura Marshall of Ohio EPA, Southwest District Office, inspected the above referenced property to investigate information provided by USEPA contractor, CH2M Hill that a utility mark out was taking place between Parcels 5171 and 5172 in order to install an underground line for Time Warner Cable from Dryden Road to Building 2 on Parcel 5172. The utility workers were digging holes to identify the location of gas lines. The holes were dug approximately 4-5 ft. below the ground surface.

Ohio EPA investigated this report out of concern for the potential for the utility workers to encounter explosive landfill gases and contaminated waste material. We found the situation as CH2M Hill had described. There were six small excavations where the installers had cleared their path for other utilities and for access points for the horizontal drilling. They had already completed their excavating and drilling work and were ready to complete the cable line connections. The cable underground line route follows a path from the northeast corner of the building at 2005 Dryden Road (currently Bull's Eye Amusements) to the southeast corner of the building at 1951 Dryden Rd (B & G Trucking). Since the excavations were in the driveway and parking area of B & G Trucking, which is heavily trafficked by large vehicles and leaving the holes open would be a safety hazard, we did not contradict the installers plans to back fill the holes with the excavated material and bring them back to grade.

Please be advised that such activities are prohibited by Ohio solid waste rules without obtaining prior authorization from the Ohio EPA, and are subject to requirements in Ohio Administrative Code (OAC) 3745-327-13 which states:

***“(A) No person shall, without authorization from the director, engage in filling, grading, excavating, building, drilling, or mining on land where a hazardous waste facility or solid waste facility was operated.*”**

(B) "Facility," for the purposes of this rule, means:

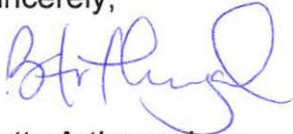
- (1) The limits of solid waste placement, solid waste handling area, or area of hazardous waste treatment, storage, or disposal.**
- (2) Those areas within three hundred feet of the limits of solid waste placement or area of hazardous waste treatment, storage or disposal..."**

Ohio EPA hereby advises the owners of this property that any future such activities by the owners, or their representatives, or their tenants must comply with all applicable environmental regulations.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the owner or operator, or others, from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response, Compensation, and Liability Act for remedying conditions resulting from any release of contaminants to the environment.

If you have any questions, please contact me or Laura Marshall by telephone at (937) 285-6357.

Sincerely,



Betty Arthungal
Division of Materials & Waste Management

BA/tf

Attachment: Considerations for Development On or Adjacent to a Closed Solid Waste Landfill

cc: Timothy D. Hoffman
Kathy Jackson/SWDO file

ec: Paul Stuart, PHDMC
Laura Marshall